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Attorneys for Defendant DUNBAR ARMORED, INC.

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

ALESSANDRO DIRIENZO, on behalf of himself,
and on behalf of all persons similarly situated,

Plaintiffs,

vs.

DUNBAR ARMORED, INC., a Maryland
Corporation,

Defendant

CASE NO.: 09 CV 2745 DMS JMA

[Assigned for all purposes to the Honorable Dana
Sabraw]

NOTICE OF RELATED CASE

Complaint Filed: December 8, 2009

**TO: THE HONORABLE COURT, THE CLERK OF THE COURT, AND ALL PARTIES AND
THEIR ATTORNEYS OF RECORD HEREIN AND IN THE RELATED CASE:**

Pursuant to Rule 40.1(e) of the Civil Local Rules, Defendant Dunbar Armored, Inc.
("Defendant") hereby provides notice of the following related case:

Title: ANTHONY ROGERS, on behalf of himself and on behalf of all
others similarly situated, Plaintiff vs. DUNBAR ARMORED,
INC., a Maryland corporation, and Does 1 through 100, inclusive,
Defendants.

1 Court: Superior Court of the State of California for the County of Los
2 Angeles

3 Case No: Case No. BC 424 751

4 Filed: October 17, 2009

5 Judge: Hon. Holly Kendig (Dept. 42)

6 Claims:

- 7 1. Failure to Reimburse Expenses
- 8 2. Failure to Provide Meal Periods
- 9 3. Failure to Provide Rest Periods
- 10 4. Failure to Pay Wages When Terminated
- 11 5. Unlawful, Unfair and Deceptive Business Practices
- 12 6. Statutory Penalties

13 Defendant further provides the following information in accordance with CivLR 40.1(e):

14 (1) Although the named plaintiffs in the Rogers action and the instant action
15 (Dirienzo) are different, each purports to represent overlapping putative classes identified as "Armored
16 Truck Driver, Armored Truck Guard or other Armored Truck Personnel" of Dunbar Armored, Inc., as
17 alleged in this Action.

18 (2) The cases are based on the same or similar alleged claims, *i.e.*, claims against
19 Dunbar Armored, Inc. regarding alleged meal and rest break violations in violation of Labor Code
20 section 226.7, alleged failure to pay all wages due upon termination under Labor Code section 203,
21 alleged failure to reimburse necessary business expenses under Labor Code section 2802, and alleged
22 unfair business practices pursuant to Business and Professions Code section 17200 et seq. The ERISA
23 claim (the fifth cause of action) in the pending Dirienzo case was dismissed by this Court on May 12,
24 2010.

25 (3) The cases involve substantially the same facts and the same questions of law.

26 (4) Mediation has been scheduled for July 9, 2010 before mediator Mark S. Rudy.
27 Counsel for Plaintiffs in both this case and the Rogers case have agreed to attend and participate in the
28

1 mediation. A true and correct copy of the mediation confirmation notice addressed to all counsel is
2 attached hereto as Exhibit 1 and incorporated herein by reference.

3 (5) Defendant hereby attaches a true and correct copy of the Notice of Related Case
4 filed on March 15, 2010 in the said related case of Rogers v. Dunbar Armored, Inc., as Exhibit 2, which
5 is incorporated herein by reference.

6 Dated: May 19, 2010

JACKSON LEWIS LLP

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9 By: /s/ Paul F. Sorrentino
10 Paul F. Sorrentino
11 Jennifer L. Santa Maria
12 Attorneys for Defendant
13 DUNBAR ARMORED, INC.
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EXHIBIT 1

FILED 2/10/2010 2:00PM

NOV 1 2009

NOV 1 2009

MEDIATION OFFICES OF
MARK S. RUDY, A PROFESSIONAL CORPORATION
351 CALIFORNIA STREET, SUITE 700
SAN FRANCISCO, CALIFORNIA 94104
TELEPHONE: (415) 982-1457
FACSIMILE: (415) 434-0813

COPY

April 27, 2010

FOR ALL MEDIATION INQUIRIES:
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(415) 982-1457

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Isam C. Khoury
Michael D. Singer
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San Diego, CA 92101

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Mia D. Farber
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Jackson Lewis, LLP
725 South Figueroa Street, Suite 2500
Los Angeles, CA 90017-5408

Paul R. Sorrentino
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655 West Broadway, Suite 900
San Diego, CA 92101

Re: Rogers, et al. v. Dunbar Armored, Inc.
Dirienzo, et al. v. Dunbar Armored, Inc.
Rogers v. Dunbar Armored, Inc.
Our File No.: 10193-001

Dear Counsel:

Mediation in the above matter is confirmed as follows:

Date: July 9, 2010
Time: 9:00 a.m.
Location: Law Offices of Rudy, Exelrod, Zieff & Lowe, LLP
351 California Street, Suite 700
San Francisco, California

Mediation Fees Must Be Received by: June 18, 2010
Mediation Briefs Must Be Received by: July 2, 2010

EXHIBIT 2

1 Mia Farber (SBN 131467)
2 Philline B. Parlan (SBN 225270)
3 Pankit J. Doshi (SBN 231369)
4 JACKSON LEWIS LLP
5 725 South Figueroa Street, Suite 2500
6 Los Angeles, California 90017-5408
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7 Attorneys for Defendant
8 DUNBAR ARMORED, INC.

9 SUPERIOR COURT OF THE STATE OF CALIFORNIA
10 FOR THE COUNTY OF LOS ANGELES

11 ANTHONY ROGERS, on behalf of himself and
12 all others similarly situated,

13 Plaintiff,

14 v.

15 DUNBAR ARMORED, INC., a Maryland
16 corporation, and DOES 1 through 100, inclusive

17 Defendants.
18

Case No.: BC 424 751

[Assigned for all purposes to the
Hon. Holly Kendig, Dept. 42]

19 NOTICE OF RELATED CASE

Complaint filed: October 17, 2009

20 TO THE HONORABLE COURT, PLAINTIFF ANTHONY ROGERS AND HIS ATTORNEYS
21 OF RECORD HEREIN AND IN THE RELATED CASE:

22 Pursuant to California Rule of Court 804(a), Defendant Dunbar Armored, Inc. ("Defendant")
23 hereby provides notice of the following potentially related cases:
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CONFIRMED COPY
ORIGINAL FILED
Superior Court of California
County of Los Angeles

MAR 15 2010

John A. Clarke, Executive Officer/Clerk
By [Signature] Deputy
GLORIETTA ROBINSON

COPY

NOTICE OF RELATED CASE

1 Title: ALESSANDRO DIRIENZO, on behalf of himself, and on behalf
2 of all persons similarly situated, Plaintiffs, vs. DUNBAR
3 ARMORED, INC., a Maryland Corporation, Defendant.

4 Court: United States District Court – Southern District of California

5 Case No: Case No. 09CV2745 DMS/JMA

6 Filed: December 8, 2009

7 Judge: Hon. Judge Dana Sabraw

8 **Claims:**

- 9 1. Unlawful, Unfair and Deceptive Business Practices
- 10 2. Failure to Indemnify
- 11 3. Failure to Provide Meal and/or Rest Periods
- 12 4. Failure to Pay Wages When Due
- 13 5. Declaratory, Equitable, and/or Appropriate Relief Under an ERISA Plan

14 Defendant provides the following information pursuant to California Rule of Court Rule
15 3.300(c):

16 (1) Although the named plaintiffs in the Dirienzo action and the instant action are
17 different, each purports to represent overlapping putative classes identified as “Armored Truck Driver,
18 Armored Truck Guard or other Armored Truck Personnel” of Dunbar Armored, Inc., as alleged in this
19 Action.

20 (2) The cases are based on the same or similar claims, *i.e.*, claims by of Dunbar
21 Armored, Inc. regarding alleged meal and rest break violations in violation of Labor code section 226.7,
22 alleged failure to pay all wages due upon termination under Labor Code section 203, alleged failure to
23 reimburse necessary business expenses under Labor Code section 2802, and unfair business practices
24 pursuant to Business and Professions Code section 17200 et seq.; and

25 ///

(3) The cases involve substantially the same facts and the same questions of law.

Dated: March 12, 2010

JACKSON LEWIS LLP

By: Mia Farber

Mia Farber

Philline B. Parlan

Attorneys for Defendant
DUNBAR ARMORED, INC.

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

CASE NAME: ROGERS v. DUNBAR ARMORED, INC.

CASE NUMBER: BC424751

I am employed in the County of LOS ANGELES, State of California. I am over the age of 18 and not a party to the within action; my business address is: 725 South Figueroa Street, Suite 2500, Los Angeles, California 90017-5408.

On **March 12, 2010**, I served the foregoing document described as: **NOTICE OF RELATED CASE** in this action by placing a true copy thereof in a sealed envelope addressed as follows:

TIMOTHY D. COHELAN, ESQ.
ISAM C. KHOURY, ESQ.
MICHAEL D. SINGER, ESQ.
JEFF GERACI, ESQ.
COHELAN KHOURY & SINGER
605 "C" STREET, SUITE 200
SAN DIEGO, CA 92101-5305

TELEPHONE: (619) 595-3001
FACSIMILE: (619) 595-3000

ATTORNEYS FOR PLAINTIFF
ANTHONY ROGERS

NORMAN B. BLUMENTHAL, ESQ.
KYLE R. NORDREHAUG, ESQ.
APARAJIT BHOWMIK, ESQ.
BLUMENTHAL & NORDREHAUG
2255 CALLE CLARA
LA JOLLA, CALIFORNIA 92037

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ATTORNEYS FOR PLAINTIFF
ALESSANDRO DIRIENZO

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TELEPHONE: (562) 256-1047
FACSIMILE: (562) 256-1006

ATTORNEYS FOR PLAINTIFF
ALESSANDRO DIRIENZO

///

1
2 ☒ **BY MAIL:**

3 As follows: I am "readily familiar" with the firm's practice of collection and processing
4 correspondence for mailing. Under that practice it would be deposited with U.S. postal
5 service on that same day with postage thereon fully prepaid at Los Angeles, California in
6 the ordinary course of business. I am aware that on motion of the party served, service is
7 presumed invalid if postal cancellation date or postage meter date is more than one day
8 after date of deposit for mailing in affidavit.

9 ☒ **STATE:**

10 I declare under penalty of perjury under the laws of the State of California that the above
11 is true and correct.

12 Executed on **March 12, 2010**, at Los Angeles, California.

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ELIZABETH GARCIA-ZAPATA

Alessandro Dirienzo, et al. v. Dunbar Armored, Inc.

United States District Court, Southern District of California, Case No.09 CV 2745 DMS JMA

PROOF OF SERVICE

I, the undersigned, say: I am over 18 years of age, employed in the County of San Diego, California, in which the within-mentioned service occurred; and that I am not a party to the subject cause. My business address is 655 W. Broadway, Suite 900, San Diego, California 92101.

On May 19, 2010, I served the within documents:

(X) **BY ELECTRONIC FILING.** I caused all of the pages of the above-entitled document(s) to be electronically filed and served on designated recipients through the Electronic Case Filing system for the above-entitled case. The file transmission was reported as successful and a copy of the Electronic Case Filing Receipt will be maintained with the original document(s) in our office.

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 Kyle R. Nordrehaug, Esq.
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doship@jacksonlewis.com
Attorneys for Defendant
DUNBAR ARMORED, INC.
(in Rogers case)

(x) **BY U.S. MAIL.** I am familiar with this firm's practice of collection and processing correspondence for mailing with the U.S. Postal Service, and that said document(s) were deposited with the U.S. Postal Service this same day in the ordinary course of business to the addressee(s) as noted below.

///

///

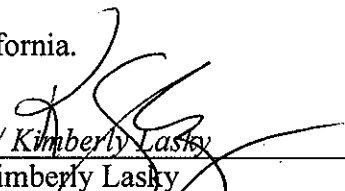
1 Timothy D. Cohelan, Esq.
2 Isam C. Khoury, Esq.
3 Michael D. Singer, Esq.
4 Jeff Geraci, Esq.
5 COHELAN KHOURY & SINGER
6 605 "C" Street, Suite 200
7 San Diego, Ca 92101-5305
8 Telephone: (619) 595-3001
9 Facsimile: (619) 595-3000

10 *Attorneys for Plaintiff*
11 *Anthony Rogers*

12 I declare that I am employed in the office of a member of the bar of this court whose direction
13 the service was made.

14 I declare, under the penalty of perjury, under the laws of the United States of America, that the
15 foregoing is true and correct.

16 Executed on May 19, 2010, at San Diego, California.

17 
18 /s/ Kimberly Lasky
19 Kimberly Lasky
20 Jackson Lewis LLP
21 655 W. Broadway, Suite 900
22 San Diego, CA 92101
23 Tel: 619.573.4900
24 Fax: 619.573.4901
25 Email: fensterj@jacksonlewis.com